## COMMONWEALTH OF MASSACHUSETTS State Building Code (780 CMR) Appeals Board Board's Ruling on Appeal<sup>1</sup>

**Docket No. 08-678** 

Appellant(s): Hobbs Brook Management,

VZ.

Appellee(s): City/Town of Waltham

Ralph Gaudet

LLC /175 Wyman LLC

Rep. by Michael Vhay, DLA Piper LLP

## **Procedural History**

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR 111.1, for 185 Wyman Street, Waltham, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 et. seq.; and 780 CMR 122.3.4, the Board convened a public hearing on December 23, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant was represented by Eileen Pott and Michael Vhay of DLA Piper LLP for the hearing. Others were present as well as shown on the sign-in sheet on file at the Department of Public Safety.

## Discussion

A motion was made to grant the Appellant's request that the building department be ordered to act on the building permit application in accordance with 780 CMR 111.1, after hearing testimony regarding the property. The motion was based on the fact that the building department did not act within 30-days as per 780 CMR 111.1. The motion further requested the building department to work with the developer to issue a permit or denial with explanation within 10-days of this hearing. There was a second on the motion and a board vote was taken, which was unanimous.

## Conclusion

The Appellant's request to order the building department to act on the building permit application in accordance with 780 CMR 111.1, is hereby granted as described in the discussion above and so ordered<sup>2</sup> on this date: December 23, 2008.

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<sup>2</sup>In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.

<sup>&</sup>lt;sup>1</sup> This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108